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### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid. Applicant's submission filed 28 July 2009 has been entered.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Charles Leyes on 07 October 2009.

[Begin Audit]

IN THE CLAIMS:

Claims 7, 9 and 28 have been amended as follows:

7. (currently amended) The method according to claim 1, wherein the interference cancellation gain provided by the interference cancellation technique is established from the dominant interference ratio using a predefined function.

9. (currently amended) The apparatus according to claim 8, further comprising:  
an interference canceller configured to apply the interference cancellation technique to the radio channel candidate and potentially interfering signals.

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28. (currently amended) The computer program according to claim 21, wherein the interference cancellation gain provided by the interference cancellation technique is established from the dominant interference ratio using a predefined function.

[End Audit]

### **Allowable Subject Matter**

3. Claims 1, 5-9, 11-13, 16, 18, 20, 21 and 26-28 are allowed.

The following is an examiner's statement of reasons for allowance: The limitations, "using, by the controller, the dominant interference ratio to establish an indication as to an interference cancellation gain provided by the interference cancellation technique, the interference cancellation gain being used to establish a criteria for channel selection; using, by the controller, the interference cancellation gain to modify the carrier to interference ratio; and using, by the controller, a criteria based on the dominant interference ratio and on the modified carrier to interference ratio in a channel selection process for selecting a channel for the connection to be established," in independent claims 1, 8, 12, 16 and 21, along with other limitations of the claims have not been found or suggested by prior art including the IDS submitted on 28 July 2009.

Any comments necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

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**Conclusion**

4. Any response to this Office Action should be mailed to:

U.S Patent and Trademark Office

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or Faxed to:

571-273-8300.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617